

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA**

Gregory Beam and Amy Beam,)	
)	
Plaintiff,)	ORDER SCHEDULING SETTLEMENT
)	CONFERENCE
vs.)	
)	
Otter Tail Power Company and The)	Case No. 1:21-cv-00002
Babcock & Wilcox Company f/k/a)	
Babcock & Wilcox Power Generation)	
Group, Inc.,)	
)	
Defendant.)	

IT IS ORDERED:

A settlement conference will be held before the magistrate judge on February 7, 2024, at 9:00 AM at the U.S. Courthouse located in Bismarck, North Dakota (courtroom #2).

The conference shall be attended, in-person or virtually, by all parties, together with trial counsel (if they are represented) for each party. At least one person for each party shall appear in person to facilitate the virtual appearance by others. Requests for relief from this requirement must be made in advance.

An insured party need not attend unless the settlement decision will be made in part by the insured. When the settlement decision will be made in whole or in part by an insurer, the insurer shall attend. The persons attending shall be vested with the necessary settlement authority. Any relief from these requirements must be obtained in advance. Failure to attend the conference as provided may result in an award of costs, fees, and/or other sanctions.

Each party shall submit a concise confidential settlement statement to the Court at least two days prior to the final settlement conference. The settlement statement shall not become a part of the file of the case, but shall be for the exclusive use of the Court in preparing for and conducting the settlement conference.

The settlement statement should contain a concise recitation of the facts, a discussion of the strengths and weaknesses of the case, the parties' positions on settlement, including a present settlement proposal, and a report on settlement efforts to date. Exhibits may be attached to the settlement statement. The parties are directed to be candid in their statements.

The parties shall submit their settlement statement to the court via fax (701-530-2325), e-mail (ndd_J-Hochhalter@ndd.uscourts.gov), or mail (P.O. Box 670, Bismarck, North Dakota 58502-0670) for delivery at least two (2) days prior to the settlement conference. The settlement statement shall not be filed with the Clerk's office. Copies of the settlement statement shall not be provided to the other parties in the case.

Counsel are directed to confer with their clients in advance of the conference to explore the parties' settlement positions, and the parties are encouraged to exchange settlement proposals prior to the conference. These steps will enable the conference to progress more expeditiously.

Dated this 18th day of January, 2024.

/s/ Clare R. Hochhalter
Clare R. Hochhalter, Magistrate Judge
United States District Court